IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.T.SANKARAN

TUESDAY, THE 5TH DECEMBER 2006 / 14TH AGRAHAYANA 1928

Crl.Rev.Pet.No. 4323 of 2006()

CRA.97/2000 of SESSIONS COURT, THALASSERY.
CC.186/1999 of ADDL.CHIEF JUDICIAL MAGISTRATE COURT, THALASSERY
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REVN. PETITIONER/APPELLANT/ACCUSED:

THACHANCHALIL MANOJ KUMAR,
S/O. KORAN, THACHANCHALIL HOUSE,
MUNDAYODE, MAVILAYI P.O.

BY ADV. SRI.CIBI THOMAS

RESPONDENTS/RESPONDENTS/COMPLAINANT & STATE:
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1. K. SREEDHARAN, S/O. KANNAN,
P.V.K.HOUSE, MUNDAYODE,
MAVILAYI P.O.

2. STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

R1 BY ADV. SRI.UNNIKRISHNAN.V.ALAPATT
R2 BY PUBLIC PROSECUTOR ADV. SHRI C.K. SURESH.

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 05/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.T. SANKARAN, J.

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CRL. R.P.No. 4323 OF 2006

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Dated this the 5th December , 2006

O R D E R

The revision petitioner was sentenced to undergo simple imprisonment for a period of three months and to pay fine of Rs. 5,000/- for the offence under section 138 of the Negotiable Instruments Act . On appeal , the appellate court confirmed the conviction and sentence.

2. An application under section 147 of the Negotiable Instruments Act filed by the petitioner/accused and the first respondent/ complainant for compounding the offence was allowed.

In the result, the Revision Petition is allowed. The conviction and sentence imposed on the petitioner are set aside and the petitioner is acquitted under section 320(8) of the Code of Criminal Procedure.

K.T. SANKARAN,
JUDGE.

lk

K.T. SANKARAN, J.

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CRL. M.A. No. 12264 OF 2006

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Dated this the 5th December , 2006

O R D E R

This is an application to condone the delay of 137 days in filing the revision petition. It is stated in the affidavit that due to an omission on the part of the advocate's clerk, there was delay in filing the application for certified copy of the appellate court's judgment. Moreover, the parties have settled the matter and an application for compounding is filed. In the facts and circumstances of the case, the delay is condoned.

Number the Crl. Revision Petition as well as the application for compounding.

K.T. SANKARAN,
JUDGE.

lk

K.T. SANKARAN, J.

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CRL. M.A. No. 12507 OF 2006
IN CRL. R.P.No. 4323 OF 2006

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Dated this the 5th December , 2006

O R D E R

The petitioner/accused and the first respondent/ complainant have filed this application for compounding under section 147 of the Negotiable Instruments Act, wherein it is stated that the parties have settled the matter out of court and that the complainant is not interested in proceeding against the petitioner. The application is allowed.

K.T. SANKARAN,
JUDGE.

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